## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

JOHANNA MAIDITH ARTEAGA- MIQUILENA,	<b>§</b> <b>§</b>	
Plaintiff,	<b>§</b> §	SA-20-CV-00131-XR
vs.	8 8 8	
WILLIAM P. BARR, UNITED STATES ATTORNEY GENERAL; CHAD WOLF,	8 8 8	
SECRETARY, UNITED STATES DEPARTMENT OF HOMELAND	8 8 8	
SECURITY; DANIEL BIBLE, FIELD OFFICE DIRECTOR, SAN ANTONIO	8 8 8	
FIELD OFFICE, UNITED STATES IMMIGRATION AND CUSTOMS	\$ 8	
ENFORCEMENT; AND REYNALDO CASTRO, WARDEN, SOUTH TEXAS	\$ \$	
DETENTION COMPLEX;	\$ \$	
Defendants.	§	

## <u>ORDER</u>

Before the court in the above-styled cause of action is Petitioner's motion to proceed *in* forma pauperis [#1]. This case was referred to the undersigned for all pretrial proceedings on February 6, 2020, and the undersigned has authority to enter this order pursuant to 28 U.S.C. § 636(b)(1)(A). Petitioner seeks leave to proceed in forma pauperis ("IFP") based on an inability to afford court fees and costs. Having considered Petitioner's application and supporting affidavit, the Court is of the opinion the motion should be granted.

Petitioner seeks to file a petition for a writ of habeas corpus. The filing fee for such a suit is \$5.1 See 28 U.S.C. § 1914(a). Petitioner's motion to proceed IFP includes income and asset

<sup>&</sup>lt;sup>1</sup> This Court's administrative fee, which is currently \$50, does not apply to applications for a writ of habeas corpus and is waived for plaintiffs who are granted IFP status. *See District* 

information, which indicates that Petitioner is unemployed, receives no other income, has no assets, and is currently being detained at the South Texas Detention Complex at Pearsall, Texas. Petitioner does not have sufficient monthly resources available to pay the filing fee. Accordingly, the Court will grant the motion to proceed IFP.

IT IS THEREFORE ORDERED that Petitioner's application to proceed *in forma* pauperis [#1] is **GRANTED**.

IT IS FURTHER ORDERED that Petitioner's Petition for Writ of Habeas Corpus [#1-1] shall be filed by the Clerk without prepayment of fees, costs or the giving of security, and the Clerk shall, until further Order of this Court, waive the collection of any other fees or costs from Plaintiff.

IT IS FINALLY ORDERED that, if not already accomplished, within ten (10) days of the date of this Order, Petitioner shall either

- Submit to the Clerk's Office a fully completed United States Marshal Service
  Form 285, including fully complete addresses, for each Defendant required to be
  served and the United States Marshal's Service shall serve each defendant with a
  copy of the Complaint and a copy of this order by certified mail, return receipt
  requested; or
- Through counsel, request issuance of summons from the Clerk and serve each Defendant required to be served with a copy of the summons, complaint, and a copy of this Order by certified mail, return receipt requested, if possible. *See* Fed. R. Civ. P. 4(e)(1) (permitting service pursuant to state law); Tex. R. Civ. P. 106(a)(2) (permitting service by certified or registered mail by a person authorized to serve by Rule 103); Tex. R. Civ. P. 103 (permitting service by certified or registered mail by sheriff, constable, clerk, or any person authorized by law).

## IT IS SO ORDERED.

SIGNED this 10th day of February, 2020.

ELIZABETH S. ("BETSY") CHESTNEY UNITED STATES MAGISTRATE JUDGE